HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

STEPHANIE M. BRESLOW
Senior Counsel
sbreslow@law.nyc.gov
Phone: (212) 356-2660
Fax: (212) 356-1148

By ECF   June 16, 2022
Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

In Re: *New York City Policing During Summer 2020 Demonstrations*,
No. 20 Civ. 8924 (CM) (GWG)

Your Honor:

Please find annexed three exhibits, designated as "Exhibit A" through "Exhibit C," to the letter defendants filed with the Court last night in opposition to plaintiffs' June 7, 2022 letter motion (Dkt No. 605). The undersigned attempted to file these exhibits on the ECF system while filing defendants' opposition letter, but technical difficulties prevented the exhibit files from uploading, despite extensive and persistent efforts. As the ECF Help Desk was closed and filing defendants' letter took priority, the undersigned decided to file the letter alone and wait until today, when technical assistance would be available, to file the exhibits.

Thank you for your consideration herein.

Respectfully submitted,

Stephanie M. Breslow

Stephanie M. Breslow
Senior Counsel
Special Federal Litigation Division

cc: ALL COUNSEL (via ECF only)

EXHIBIT A

From:	England, Travis
To:	DiSenso, Anthony (Law)
Cc:	Weiss, Dara (Law); Jacobs, Elissa (Law); Goykadosh, Brachah (Law); Kaufman, Rachel (LAW); Doug Lieb; Daniel Lambright; Elena Cohen; Joshua S. Moskovitz
Subject:	[WARNING: ATTACHMENT(S) MAY CONTAIN MALWARE]RE: In Re: New York City Policing During Summer - City Production Specifications
Date:	Thursday, April 1, 2021 10:27:36 AM
Attachments:	In re NYC Policing - Def Production Specifications _ OAG_03.26.2021.doc

Anthony,

We have reviewed the City's production specifications and have added just one point of clarification in the attached. These largely align with the instructions provided on Schedule B of Plaintiffs' First Set of Requests for Documents, but let me know if you have any questions or would like to discuss further.

Best,

Travis

From: DiSenso, Anthony (Law) <adisenso@law.nyc.gov>
Sent: Tuesday, March 23, 2021 10:40 AM
To: 'jwong@legal-aid.org' <jwong@legal-aid.org>; 'CStoughton@legal-aid.org' <CStoughton@legal-aid.org>; 'LDroubi@blhny.com' <LDroubi@blhny.com>; 'Gideon@gideonlaw.com' <Gideon@gideonlaw.com>; 'jmoore@blhny.com' <jmoore@blhny.com>; 'dlieb@kllflaw.com' <dlieb@kllflaw.com>; England, Travis <Travis.England@ag.ny.gov>; 'josh@moskovitzlaw.com' <josh@moskovitzlaw.com>; 'mikespieg@aol.com' <mikespieg@aol.com>; 'LC@hamiltonclarkellp.com' <LC@hamiltonclarkellp.com>; 'elenacohenesq@gmail.com' <elenacohenesq@gmail.com>; Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; 'paynelitigationteam@nyclu.org' <paynelitigationteam@nyclu.org>; Morril, Gregory <Gregory.Morril@ag.ny.gov>; Fajana, Morenike <Morenike.Fajana@ag.ny.gov>; 'astoll@stollglickman.com' <astoll@stollglickman.com>
Cc: Weiss, Dara (Law) <daweiss@law.nyc.gov>; Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>; Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Kaufman, Rachel (LAW) <RKaufman@law.nyc.gov>
Subject: In Re: New York City Policing During Summer - City Production Specifications

[EXTERNAL]

Counsel,

Following up on our call this morning. Please find attached the City's requested production format.

Regards,
Anthony

Anthony M. DiSenso
Senior Counsel/E-Discovery Counsel
E-Discovery Group

New York City Law Department
100 Church Street
New York, New York 10007
Office: (212) 356-2640
adisenso@law.nyc.gov

EXHIBIT B

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ESI Production Specifications as of 07/02/2020

If compliance with these specifications is not possible or would cause undue burden, the parties should meet and confer to discuss and confirm the format of production *prior to* collection, review, and production.[1]

General Specifications

Unless otherwise specified, documents should be converted and produced as single page TIF images with a corresponding image load file provided in Opticon (Concordance Image) format. A unique production number ("Bates stamp") should be branded on each TIF image along with its appropriate confidentiality designation, if any.

Any file that is specifically requested in native format or that cannot be converted to TIF should be produced in its original native format with a link to the native file included in the **Native Link** field within the .DAT file. A Bates-stamped, single page TIF placeholder indicating that the file was produced natively should be included as the corresponding image for the file that cannot be converted.   The native file should be renamed to reflect the Bates number assigned to the corresponding TIF placeholder. Some examples of files that should be provided in their native format are spreadsheets, multimedia files, and technical drawings.

All associated metadata should be produced in a .DAT load file with standard Concordance delimiters. The included chart ("Requested Metadata Fields for ESI") contains the fields that should be provided in the .DAT file.

For each produced document, all associated text (extracted or OCR) should be provided in a text file named after the starting Bates number of the document. There should be one text file per document and a link to the text file should be included in the **Text Link** field within the .DAT file.

The folder structure of the deliverable should follow the below format:

- NYCPROD001 – top level directory which should be unique for every deliverable
  - DATA – subdirectory containing load files (.DAT & .OPT)
  - NATIVES – subdirectory containing files provided in native format
  - IMAGES – subdirectory containing single page TIF images
  - TEXT – subdirectory containing .txt files (extracted or OCR)

Files with hidden content, tracked changes, revisions, comments, or notes should be imaged with such content viewable.

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[1] **If a different format is contemplated for particular document/data sources or types, the parties should meet and confer to discuss and confirm the format of production *prior to* production. For any social media, messages (*e.g* SMS, MMS, iMessage, etc.), mobile phone information, data stored in cloud environments (*e.g.* Dropbox, Google Drive, One Drive, etc.), database, proprietary system productions, or any other file type not listed, the parties should meet and confer to discuss and confirm the format of production *prior to* collection, review, and production.**

Format for Placeholder Documents

Because full families, parents and children (*e.g.*, emails and corresponding attachments), should be produced together, if a document within a responsive family is fully withheld for privilege or non-responsiveness, a Bates-stamped, single page TIF placeholder indicating either "Document Withheld for Privilege" or "Document Withheld for Non-Responsiveness" should be included as the corresponding image for the withheld file. This information should also be reflected in the **Contains Slip Sheet** and **Slip Sheet Language** fields in the.DAT file.

Email Threading

For email documents, to the extent feasible, produce only the most-inclusive emails in a thread, plus any emails within that thread that contain an attachment or only the emails within that thread that contain a unique attachment. The identification of inclusive documents for production shall be done in a manner which ensures that all unique responsive content is produced at least once unless reasons of privilege or PII dictate otherwise.

> **Formatted:** Font: 10 pt
>
> **Formatted:** Font: Times New Roman

Format for Redacted Documents

Files requiring redactions should be converted and produced as redacted Bates-stamped, single page TIF images with associated text and metadata. If redacted image production is not technically feasible for a particular file that requires redactions (*e.g.*, for an Excel file that must be redacted), a copy of the native file with the appropriate portions replaced with "[REDACTED]" should be produced or if that is not feasible, the parties should meet and confer as to the best way to produce the file. For each document produced with redactions, the **Redaction Type** and **Privilege Type** fields in the.DAT field should be properly populated to reflect the basis for the redactions.

Confidential Documents

Unless otherwise agreed by the parties, confidential documents must be produced in the following manner:

(i) Stamping, branding, or otherwise clearly marking documents with the appropriate confidentiality designation in a manner that will not interfere with legibility or audibility;

(ii) Including the appropriate confidentiality designation in the **Designation** field in the .DAT load file; and

(iii) Providing confidential documents, along with their full families, in a separate confidential production volume.

REQUESTED METADATA FIELDS FOR ESI ON NEXT PAGE

Requested Metadata Fields for ESI*

FIELD NAME	DESCRIPTION	EXAMPLE
Production Begin	Starting Bates number of file	NYCE00000001
Production End	Ending Bates number of file	NYCE00000005
Production Begin Family	Starting Bates number of family	NYCE00000001
Production End Family	Ending Bates number of family	NYCE00000010
Page Count	Number of pages in the file	6
Native Link	Hyperlink to native file	Z:\VOL001\NATIVES\00\NYCE00000001.doc
All Custodians	All custodians of the record, if global deduplication was applied during processing. A revised ALLCUSTODIANS field must be provided in the form of an overlay for any documents affected by new custodians added to the database post-production.	Doe, John;Smith, Mary;Robinson, Jane
File Path	Original path of the file	Path\Folder2\My Documents
File Name	Name of the file	My Meeting.doc
File Extension	Extension of the file	DOC
File Type	Classification assigned by the processing software	Microsoft Word Document
Title	Data stored in the title metadata field	Agenda for Weekly Meeting
Author	Data stored in the author metadata field	jdoe
Subject	Subject of the email or the data stored in the subject metadata field	Meeting Agenda
From	Email address and display name of the sender of the email	John Doe <jdoe@company.com>
To	Email address(es) and display name(s) of the recipient(s) of the email	Frank Smith <frank.smith@mycompany.com>;Jane Doe <jane.doe@mycompany.com>
CC	Email address(es) and display name(s) of the CC(s) of the email	Joseph Roberts <jroberts@company.com>;Mark Smith <msmith@company.com>
BCC	Email address(es) and display name(s) of the BCC(s) of the email	Joseph Roberts <jroberts@company.com>;Mark Smith <msmith@company.com>
Attachment Names	List of files attached to email	File 1.xls;File 3.zip
Date Sent	Sent date of the email	09/15/2012
Time Sent	Sent time of the email (12hr format)	3:30:25 PM
Date Modified	Last modified date of the file as captured by the original application or the last modified date of the file as captured by the file system	09/09/2012
Time Modified	Last modified time of the file as captured by the original application or the last modified time of the file as captured by the file system (24hr format)	9:30:30 AM
Importance	Importance property of email	High
Sensitivity	Sensitivity property of email	Confidential

3

MD5 hash	MD5 hash of file	D41D8CD98F00B204E9800998ECF8427E
Family Date	Sent date of the email or the last modified date of the parent document	09/15/2012
Family Time	Sent time of the email or the last modified time of the parent document (24hr format)	3:30:25 PM
Privilege Type	This field will indicate the reason for any redactions	ACC; AWP
Redaction Type	This field will indicate if the document contains a redaction	Privilege; PII; NR
Contains Slip Sheet	This field will indicate if the documents has been slip-sheeted	Yes
Slip Sheet Language	This field will indicate the language that appears on the slip-sheet	DOCUMENT WITHHELD FOR PRIVILEGE
Designation	This field will indicate any designations on the image besides the bates number	CONFIDENTIAL
Text Link	Hyperlink to text file	Z:\VOL001\TEXT\00\NYCE00000001.txt

* Fields for paper documents should be determined and agreed upon separately.

4

EXHIBIT C

From:	DiSenso, Anthony (Law)
To:	"England, Travis"
Cc:	Weiss, Dara (Law); Jacobs, Elissa (Law); Goykadosh, Brachah (Law); Kaufman, Rachel (LAW); Joshua S. Moskovitz; Marquez, Lillian; Prakash, Swati; elena; dlieb; Daniel Lambright
Subject:	RE: In Re: New York City Policing During Summer - City Production Specifications
Date:	Friday, April 16, 2021 1:38:15 PM

Thanks, Travis. We agree to your modifications to the production specs.

From: England, Travis [mailto:Travis.England@ag.ny.gov]
Sent: Friday, April 16, 2021 12:05 PM
To: DiSenso, Anthony (Law)
Cc: Weiss, Dara (Law); Jacobs, Elissa (Law); Goykadosh, Brachah (Law); Kaufman, Rachel (LAW); Joshua S. Moskovitz; Marquez, Lillian; Prakash, Swati; elena; dlieb; Daniel Lambright
Subject: Re: In Re: New York City Policing During Summer - City Production Specifications

Thank you, Anthony. We can agree to this proposed 502(d) order. Separately, I'm writing to check in on my April 1 email about the City's production specifications. Do we have an agreement about those?

Thank you,

Travis

From: DiSenso, Anthony (Law) <adisenso@law.nyc.gov>
Sent: Wednesday, April 14, 2021 6:26 PM
To: England, Travis <Travis.England@ag.ny.gov>
Cc: Weiss, Dara (Law) <daweiss@law.nyc.gov>; Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>; Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Kaufman, Rachel (LAW) <RKaufman@law.nyc.gov>; Joshua S. Moskovitz <josh@moskovitzlaw.com>; Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; Prakash, Swati <Swati.Prakash@ag.ny.gov>; elena <elena@femmelaw.com>; dlieb <dlieb@kllflaw.com>; Daniel Lambright <dlambright@nyclu.org>
Subject: RE: In Re: New York City Policing During Summer - City Production Specifications

Counsel,

Further to my last email, please find attached the City's revised proposed clawback which addresses the scoping concerns you raised.

Regards,

Anthony

Anthony M. DiSenso
Senior Counsel/E-Discovery Counsel
E-Discovery Group
New York City Law Department
100 Church Street
New York, New York 10007
Office: (212) 356-2640
Cell: ████████████
adisenso@law.nyc.gov

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From: DiSenso, Anthony (Law)
Sent: Wednesday, April 07, 2021 2:03 PM
To: 'England, Travis'
Cc: Weiss, Dara (Law); Jacobs, Elissa (Law); Goykadosh, Brachah (Law); Kaufman, Rachel (LAW);